

REMARKS

The Office has raised certain obviousness concerns under 35 U.S.C. § 103 with respect to combinations of references including U.S. Patent No. 6,149,867 to Seidel. Please find attached to this response as Attachment "A" an Affidavit Under 37 C.F.R. §1.131 from George Seidel, an inventor listed on both the present application and reference U.S. Patent No. 6,149,867. The affidavit establishes that the inventor George Seidel was in possession of the subject matter of claim 138, step (g) of the present application prior to the effective filing date of the reference U.S. Patent No. 6,149,867. It is noted that claim 138, step (g) of the present application teaches subject matter that is not found in the other references combined by the Office with reference U.S. Patent No. 6,149,867. Such possession by the inventor George Seidel of the subject matter of claim 138, step (g) of the present application is evidenced by the Declaration for Patent Application signed by the inventor George Seidel, which is dated one day prior to the effective filing date of the reference U.S. Patent No. 6,149,867, and in which the inventor George Seidel states he had reviewed the patent application which ultimately issued as U.S. Patent No. 6,149,867. Moreover, a copy of this patent application as reviewed by the inventor George Seidel is provided, and those portions of the patent application establishing possession of the subject matter of claim 138, step (g) of the present application are identified.

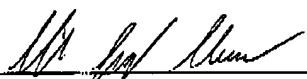
In this manner, it may be seen that the inventor George Seidel was in possession of the subject matter of claim 138, step (g) of the present application prior to the effective filing date of the reference U.S. Patent No. 6,149,867. Accordingly, the affidavit is sufficient to antedate the reference U.S. Patent No. 6,149,867. Because the reference U.S. Patent No. 6,149,867 may be antedated, it may not be used in combination with the other references cited by the Office to support an obviousness rejection under 35 U.S.C. §103.

In as much as the present submission addresses issues discussed in the personal interview and is a supplement to the Request for Continued Examination, which was itself timely filed, it is believed that the present submission is presented in a timely manner. Consequently, the Applicant respectfully requests consideration of this Second Supplement in conjunction with the Request for Continued Examination filed on October 11, 2005.

Dated this 20 day of February, 2006.

Respectfully submitted,
SANTANGELO LAW OFFICES, P.C.

By:


Misha Gregory Macaw
Attorney for Applicant
PTO No. 55,417
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100